

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK M. McGUIRE,

Defendant.

}

8:01CR190

ORDER

Defendant Patrick M. McGuire (McGuire) appeared before the court on September 8, 2014, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 57). McGuire was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Jan W. Sharp. Through his counsel, McGuire waived his right to a probable cause hearing on the Amended Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and McGuire should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, McGuire declined to present any evidence or request a hearing on the issue of detention. Since it is McGuire's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds McGuire has failed to carry his burden and that McGuire should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on October 30, 2014**. Defendant must be present in person.

2. Defendant Patrick M. McGuire is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 8th day of September, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge